

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules)	GN Docket No 11-117
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No 07-114
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket NO. 05-196
)	

**COMMENTS
of the
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (“NTCA”)¹ hereby comments on the above referenced Second Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking. NTCA supports the Commission’s proposals to extend 911 obligations to outbound-only interconnected VoIP service and to revise its definition of interconnected VoIP.

The Commission’s rules should reflect the consumer’s experience and should treat functionally equivalent technology similarly. In 2005, the Commission defined interconnected VoIP service as a service that (1) enables real-time, two way voice communications; (2) requires a broadband connection from the user’s location; (3) requires internet protocol-compatible customer premises equipment (CPE); and (4) permits users generally to receive calls that originate on the PSTN and to terminate calls

¹ NTCA is a national association representing more than 570 rural telecommunications providers. While NTCA’s members are all rural incumbent local exchange carriers, most provide their rural communities with a broad array of telecommunications services, including mobile wireless service.

to the PSTN.² In the intervening six years, as the Commission recognizes, there has been a significant increase in the availability and use of portable VoIP services. The comments submitted in response to the Commission's Location Accuracy Notice of Inquiry make clear that consumers expect that services which allow outbound calling to the PSTN will properly route to 911.³ The average consumer is unaware of slight definitional differences that will impact his or ability to contact the public safety community. A consumer expects that if she can place a call to the PSTN, she can place a call to 911, regardless of how "interconnected VoIP" is defined by the regulators.

Besides the very significant consumer concerns, there is an issue of regulatory arbitrage. Providers that compete for the same customers to provide the same or similar services should be treated similarly by the Commission. Particularly given the stakes involved, a provider should not be permitted to configure its service so as to take advantage of a loophole that enables it to avoid offering 911 just to cut costs. NTCA agrees with MobileTREC that if a consumer reasonably expects that all devices with a dial tone will have 911 service, then any service with a dial tone should have a 911 solution, including nomadic or mobile VoIP.⁴ Indeed, providers often market such services as permitting customers to cast aside their traditional telephone service altogether, rather than as a complement to it. It is far-fetched to think that the consumer who uses such a service as his or her primary means of outbound communication will

²In the Matters of IP-Enabled Services; E911 requirements for IP-Enabled Service Providers, WC Docket No. 04-36, WC Docket No. 05-196, *First Report and Order and Notice of Proposed Rulemaking*, 20 FCC Rcd 10245, 10257-58 (2005); 47 C.F.R. § 9.3.

³ Wireless E911 Location Accuracy Requirements and E911 Requirements for IP-Enabled Service Providers, PS Docket NO. 07-114, WC Docket No. 05-196, *Further Notice of Proposed Rulemaking and Notice of Inquiry*, 25 FCC Rcd 18957 (2010).

⁴ MobileTREC Comments at 4.

then stop in his or her tracks in the midst of an emergency to recall whether the terms of service exclude access to 911.

The 911 obligations should be extended to apply to outbound only VoIP service; and section 9.3 of the Commission's rules should be amended to define interconnected VoIP as a service that: (1) enables real-time two-way communications; (2) requires an Internet connection from the user's location; (3) requires Internet protocol-compatible CPE; and (4) permits users to terminate calls to all or substantially all United States E.164 telephone numbers.

In its Notice of Proposed Rulemaking, the Commission questions whether if it decides to amend the definition of interconnected VoIP service in section 9.3, it should it amend it for 911 purposes only. NTCA believes that for the same reasons outlined above, the 9.3 definition should be uniform and apply to all VoIP services. The average consumer is unaware of regulatory classifications, and substitutable products should be subject to a "level playing field" in terms of regulatory obligations. The applicability of the Truth in Caller ID regulations, the Twenty-First Century Communications and Video Accessibility Act, and other laws and regulations should hinge on consumer expectation

and the way in which these services use and are routed across communications networks, rather than on an arbitrary regulatory classification and a provider's ability to skirt regulations through product design.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in GN Docket No 11-117, PS Docket No 07-114, and WC Docket No 05-196, was served on this 3rd day of October 2011 by first-class, United States mail, postage prepaid, or via electronic mail to the following persons:

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